IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.3715 OF 2003

Surendrakumar B. Nalluri. ...Petitioner.
Vs.
Bar Council of India & Anr. ...Respondents.
....
Petitioner in person.
Mr. B. V. Phadnis for Respondent No.2.
.....

**CORAM : F.I. REBELLO, J. AND**
**DR.D.Y.CHANDRACHUD, J.**

**January 12, 2006**.

**P.C. (Per Dr.Chandrachud, J.) :**

During the course of his service with the Indian Air Force, the Petitioner appeared for and passed the Section 'A' and 'B' Examination conducted by the Institution of Engineers (India) in the branch of Electrical Engineering in 1989. This qualification is known as AMIE(I) which is an abbreviation for 'Associate Member of Institution of Engineers (India)'. The Petitioner approached the Registrar of the University, Eligibility Section, for an eligibility certificate to pursue the three year LL.B. Degree Course. The Registrar of the University informed him by a communication dated

15th May 2002 that the Petitioner could not be considered as being eligible. On 11th February 2003, the Bar Council of India also informed the Petitioner that the AMIE qualification is not recognised by that body for admission to the three year LL.B. Degree course. The Petitioner instituted these proceedings in order to seek a direction against the Bar Council of India to grant an eligibility certificate so as to enable the Petitioner to seek admission to the three year LL.B. Degree course.

2. The Petitioner appears in person. During the pendency of the Petition for admission, a communication dated 29th July 2003 was issued by the Bar Council of India to the following effect :

> "Legal Education Committee at its meeting held on 18th and 19th July, 2003 considered the matter regarding recognition of AMIE as sufficient qualification for taking admission in three year LL.B. Course and made the following recommendations:-
>
> Legal Education Committee considered the recognition of AMIE as sufficient qualification for taking admission in 3 year LL.B. Course. After consideration Committee is of the view that AMIE may be considered

as sufficient qualification equivalent to graduation for taking admission in the three year law course.

The above recommendation was considered by the Bar Council of India at its meeting held on 20th July 2003 and accepted the same."

In view of the aforesaid communication of the Bar Council of India, a Division Bench of this Court consisting of Chief Justice C. K. Thakker (as His Lordship then was) and Mrs.Justice V.K. Tahilramani issued interim directions on 1st August 2003, directing the University to issue a provisional certificate so as to enable the Petitioner to seek admission to the First Year of the LL.B. Degree course. The Court has been informed that the Petitioner has since sought and has been granted admission. The University has filed a reply to these proceedings contesting the claim of the Petitioner.

3. Having heard the Petitioner and Counsel appearing on behalf of the University, we are of the view that the question of eligibility must, in the present case, be considered by the Equivalence Committee of the University. In its affidavit filed in these proceedings, the University had inter alia adverted to the first

communication of the Bar Council of India to the Petitioner dated 12th November 1999 stating that the AMIE Section A and B cannot be considered as equivalent to graduation, for admission to the three year LL.B. Degree course. As we have already noted, the Bar Council of India has in its subsequent communication dated 29th July 2003 adverted to the decision of its Legal Education Committee. The Legal Education Committee of the Bar Council had in its meeting held on 18th/19th July 2003 taken the view that AMIE may be considered as sufficient qualification equivalent to graduation for taking admission in the three year law course. The recommendation of the Legal Education Committee has been accepted by the Bar Council of India in its meeting held on 20th July 2003. In view of this change of circumstances, it would now be for the Equivalence Committee of the Mumbai University to take a fresh look at the matter having regard to the circumstances of the case. We are of the view that it would not be appropriate for this Court to entertain the petition at the present stage since the question of the equivalence of academic qualifications must at least primarily rest with the University which is an expert academic body. In the circumstances, we dispose of this petition by directing the Second Respondent to arrive at a decision on whether passing

of the AMIE Section A and B examination by the Petitioner would render him eligible for admission to the three year LL.B. Degree course. The University shall place the matter before the Equivalence Committee so that an appropriate decision can be taken in the interests of justice. Until the Second Respondent arrives at a decision, the admission of the Petitioner shall not be disturbed and, in the event that a decision adverse to the Petitioner is arrived at, the admission of the Petitioner shall not be disturbed for a period of eight weeks from the date of the communication of the decision so as to enable the Petitioner to seek recourse to his remedy in law. The petition is accordingly disposed of. There shall be no order as to costs.

( F.I. Rebello, J.)

(Dr. D.Y. Chandrachud, J.)